

MINUTES
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BOARD OF SELECTMEN
MONDAY, JULY 31, 2006
REGULAR SESSION
SELECTMEN'S MEETING ROOM, TOWN HALL
6:45 PM

Call to Order

A regular meeting of the Board was called to order in open session at 6:45 PM in the Selectmen's Meeting Room at Town Hall. All members were present. Town Administrator Tom Younger and Assistant Town Administrator Jeff Conti were also present.

Questions from Town Residents

There were no questions.

Action by Appointment

The Board moved: to enter into executive session for the purpose of discussing bargaining with non-union employees and subsequently to return to open session.

The motion was carried unanimously (3-0). The Board entered executive session at 6:50 PM.

(During executive session, one substantive motion was made and passed unanimously.)

The Board returned to open session at 7:30 PM.

Chairman Solomon noted the extraordinary response from Town employees during the storm on July 21 and congratulated the public safety and DPW workers and all other workers who responded.

Curb Cut Opening Request – Pleasant Street

Paul and Adam Tocci, owners of Waverley Landscaping, and their attorney appeared before the Board along with Community Development Director Glenn Clancy to discuss a request for a change in the plan for curb cut openings at 1010 Pleasant Street.

The Toccis are seeking to modify the widths of the existing and proposed curb cuts. The existing large curb cut would be reduced by 6 feet. A second one would need to be larger also to accommodate turning tractor trailers. The third curb cut would be in the middle of the property in front of a shipping and receiving door. As a result of the Pleasant Street project, there is now a new telephone pole in front of this location. So the curb cut will need to be slightly to the side and wider than originally envisioned to allow for a diagonal access for trucks to enter and exit on either side of the pole which will remain its current location.

Mr. Clancy stated he is comfortable with reducing the size of the first curb cut as requested. The second curb cut widening request was also warranted because of the truck traffic. However, the third curb cut is a concern because of the way the parking on the property is laid out. If the curb cut is widened and the parking remains as it is now, there could be 6-8 vehicles backing straight out into Pleasant Street. This would go against the goal of controlling access to make the road safer.

Mr. Clancy confirmed that the request would not be likely to set the Pleasant Street project back from a time standpoint and that MassHighway did not view this as a concern.

The Board looking at the plan did not feel that even with the request it would be possible to exit on the other side of the telephone pole. However, they expressed willingness to extend the current proposed curb cut right to the pole on the side where the shipping door is.

Mr. Clancy suggested keeping the curb cut at its proposed size and shifting it over to allow for better access to the shipping door. The Toccis did not think this solution would meet their needs.

The Board moved: to grant approval for the outside curb cuts to be modified as requested, and for the width of the third cut to be extended just to the pole but with permission to slide the cut to one side at the new width if so desired.

Adam Tocci said that they would not want to slide the cut, and that having access only on one side of the pole will not meet their needs, but in the spirit of the larger project they will try to work with this option.

The motion was carried unanimously (3-0).

Sustainable Belmont - Anti-Idling Campaign

Deb Lockett and Jan Kruse from Sustainable Belmont appeared before the Board. Ms. Lockett explained that Sustainable Belmont applied to the state Department of Environmental Protection for an anti-idling grant and were awarded \$1500. The group ordered two types of anti-idling signs, examples of which were displayed to the Board, and is now seeking approval to hang them.

The purpose of the campaign is to make people aware of the environmental impact of idling. The group has talked with the police about enforcement and with DPW about where to place the signs. DPW has approved a plan of sign locations at schools and parks, with the goal to have them up in time for the beginning of the school year. Ms. Lockett noted that schools and parks are where the group found some of the biggest idling issues. When picking up children, cars will sit and idle for half an hour before school gets out.

There was discussion of the number of signs to be erected, the specific locations proposed for these signs, and whether or not to allow the white signs that mention a \$1000 fine to be erected.

The Board moved: To approve erecting 30 blue “Idle-Free Zone” signs and to wait and see what the result is before approving further signs.

The motion was carried unanimously (3-0).

The Board moved: to approve a letter supporting the anti-idling campaign.

The motion was carried unanimously (3-0).

Resident Jennifer Page asked if the white fine signs would be appropriate for loading areas. The Board responded that there can be a number of phases to this project and that could be considered in the future. If the initial signs do not have the desired result, Sustainable Belmont will come back before the Board.

Center Fire Station Proposal Selection

The members of the Belmont Center Planning Group appeared before the Board. Chairman Solomon said the Group reviewed three proposals and has made a recommendation.

Evelyn Haralampu began with an outline of the three proposals:

- Burke Land Co. bid \$1.5 million including the addition of a third floor and an atrium attachment connecting the building to their “pink building” next door. In the additional information requested by the Group, this offer was later made contingent on receiving all necessary permits including the liquor license. Without these permits Burke would only deliver two-thirds of the price – this needs to be verified with Town Counsel. However, the third floor addition is beyond the Board’s authority to guarantee.

Burke proposes a 150-seat Italian restaurant with a lounge open until 11 PM, and professional offices and a health club on the upper floors. They propose to finish the project in 45 weeks.

- Urbanica bid \$700,000 with a 160-180 seat restaurant covering both floors and a lounge open until 12 AM. This offer is also totally contingent on permits. The project would be complete by September 2007 with a reversion of the property to the Town if it is not complete within three years of the date of sale.
- The third proposal was from Leon & Co. bidding \$400,000 with a 130-seat restaurant and lounge open until 10 PM. The second floor would be donated to the Belmont Media Center, which would need additional funds to build on the second floor.

While price and financial consideration were important, the group also considered experience in redevelopment, resources to complete the project on time, bringing vitality to the center, historic preservation, and productive use of the entire building. After extensive analysis including additional information and three public meetings, the group recommends awarding Urbanica the project. While this recommendation was not unanimous, the Group believes this proposal offers the Town the greatest overall benefits. The Leon proposal was given last preference because of the low bid.

Reasons for choosing Urbanica over Burke included:

- Urbanica's design team has more experience rehabilitating historic buildings for commercial use.
- Urbanica would best preserve the historic aspect of the building.
- If Urbanica can reach agreement with restaurateur Ken Oringer, the project would bring the most vitality to the center.
- There was concern about the length of time Burke has taken to finish the pink building.

Concerns about the Urbanica bid included:

- No firm commitment from Ken Oringer and concerns as to whether he could sustain such a large restaurant.
- Mr. Oringer has not proven he has the financial resources and backing to build such a restaurant.
- The proposed 12 AM closing time is a concern. Finally, Burke presents a better financial bottom line for the Town.

A minority of the committee was concerned about the feasibility of a conversion for solely a restaurant and what then happens if the restaurant fails.

It was noted that the RFP reserves to the Town the right to reject all proposals if it chooses.

It was clarified that the Leon proposal was rejected not just for price but for the complications of the Media Center aspect of the plan and what would happen if that project failed.

It was clarified that Burke's proposal to add a third floor would require Planning Board and ZBA approval. It was thought there would likely be objections from abutters and other residents. However, the Group felt that the permits would probably not be an issue for Urbanica because they don't have to deal with the Planning or Zoning Boards.

It was clarified the Town cannot negotiate on the prices that were bid, but the Town has the ability to place conditions on the purchase and sale agreement with the ability to walk away if the conditions are not met.

The Group said Burke did not have a reputable design professional on board or other consultants they will need. This might mean a long delay in getting Planning Board approval for what they want to do.

The Board directed Mr. Younger to work with Town Counsel, first to get some clarity about what the Town is legally allowed to discuss and then hopefully about what the closing parameters would be for the top bidder (Burke), with the goal of taking this up again at the Board's meeting next week. The Board agreed that if Burke can be held to its full price, the Town cannot afford to select Urbanica and walk away from an extra \$800,000.

Chairman Solomon thanked the group for their hard work in reviewing the proposals.

The Board took a brief recess.

Regionalization Consolidation Subcommittee

Chairman Solomon noted the structure group (Selectmen, School Committee, Warrant Committee, Capital Budget Committee) will meet again to hear the subcommittee reports on September 20.

Selectman Firenze said the Regionalization subcommittee would like the Board to authorize a letter from the Chair of the Board of Selectmen to the Chairs or mayors in neighboring communities outlining areas in which Belmont would like to investigate regionalization opportunities and ask them to meet with us if they are interested. The subcommittee will draft the letter. The subcommittee is also looking at a similar effort focused on the schools.

The Board moved: to send a letter as proposed.

The motion was carried unanimously (3-0). It was clarified that Selectman Firenze will sign the letter on Chairman Solomon's behalf because he will be out of town when the letter has been finalized.

Committee Appointments – Pavement Management, Conservation Commission

The Board moved: to appoint Mike Speidel to the Pavement Management Committee.

The motion was carried unanimously (3-0).

The Board moved: to appoint David Cowell to the Conservation Commission as an associate member.

There was discussion of limiting the size of the Commission.

The motion was carried 2-1 (Solomon, Brownsberger aye, Firenze nay).

Town Administrator's Report

Mr. Younger reported on the following items:

July 21 storm: The estimated cost to the Town as of now is \$42,500. About \$12,400 of this is direct DPW costs and the rest is tree removals. It was clarified that the new liability insurance will cover town trees falling on private property. The Town has also filed for FEMA reimbursement of \$13,000 in overtime costs for the May flooding.

Poplar Street parking issue: Acting Police Chief Lane reports the police are giving more tickets and working on a solution.

Pavement Management Committee: The first meeting is Wednesday, August 9.

The one-time additional Chapter 90 funds have been released by the state (about \$130,000).

The Board agreed it wants to resolve the use of additional Chapter 70 funds at its next meeting and hopefully Dr. Holland can attend. However, the money would still need to be approved by the Warrant Committee and voted by Town meeting.

Action by Consent

Approval of Board of Selectmen's Meeting Minutes (04/03/2006; 05/15/2006)

The Board moved: to approve all the minutes from the 04/03/06 and the 05/15/06 meetings.

The motion was carried unanimously (3-0).

Action By Writing

Declaration of the Harvard Lawn Fire Station Surplus and Utilization for Another Use Consistent with the Zoning of the Property

Mr. Younger explained this is a standard legal formality that must occur before the RFP can be released.

The Board moved: to declare the Harvard Lawn Fire Station as surplus property.

The motion was carried unanimously (3-0).

Approval of Solid Waste and Recycling Committee Charge

The charge has been reworked by the Committee. It will be a temporary committee which will expire June 30, 2009.

The Board moved: to approve the charge as revised.

The motion was carried unanimously (3-0).

Recognition of Auxiliary Police

The Board moved: to sign the recognition forms.

The motion was carried unanimously (3-0).

Office of Community Development re: Striping and Signage Recommendations for School Street and Fairview Avenue Intersection

Community Development Director Glenn Clancy and Police Sergeant Hamilton have recommended No Parking signs, dangerous intersection signs, and enforcing the vegetation restriction in the zoning by-law for this location.

The Board moved: to approve the recommendations.

The motion was carried unanimously (3-0).

Other

Selectman Firenze summarized a meeting he and Mr. Younger had with representatives from O'Neill Associates concerning the Uplands development and the terms of the 2002 Memorandum of Understanding between O'Neill and the Town. O'Neill maintains that they do not have to make the affordable housing payment to the Town if they proceed with the current Chapter 40B affordable housing development.

At the meeting, Selectman Firenze and Mr. Younger offered on behalf of the Town to submit the dispute to binding arbitration rather than litigation. O'Neill agreed and will

draft a letter to this effect for the Board to approve. It is hoped this will reduce legal costs for both parties.

Selectman Firenze clarified that his efforts to attract commercial developers to the site are his personal efforts and are not on behalf of the Board.

It was noted that the Senior Center will be available for seniors during the heat wave.

The Town intends to sign the latest draft of the Woodfall Road land transfer agreement and present it to the Belmont Country Club for their signature.

The Board re-iterated its concern that the Verizon negotiations be brought to conclusion as quickly as possible.

Mr. Conti updated the Board on the status of the Sherman Street parking issue. He has a proposal to address the issue and is getting feedback from interested parties.

Senior Center: A major meeting is being held Wednesday morning to try to keep this project on track. This project has to be done by May 31, 2008, because that is when the Town's lease expires on the parish hall. Mr. Younger has instituted formal review with department heads and their input is very valuable. The Board decided to take the Senior Center Building Committee off the agenda for next week and have them come in September when they are more prepared to give a status report.

Lamoine Street land sale: Mr. Conti and Mr. Clancy are looking into this issue. Selectman Firenze has offered to mediate a negotiation between the two neighbors once all the relevant information has been obtained.

Town Administrator Review

Chairman Solomon noted that this review covers a 15 month period because Mr. Younger was not reviewed at the end of FY2005 as he had just started. The method is the same as in previous years. Each Selectman filled out their own review ranking Mr. Younger in various areas from 1 to 5, 5 being the best evaluation, and Mr. Younger also did a self-evaluation. The similarity of the scoring across all the evaluations was striking – there was no more than a 1 point differential on any item. Mr. Younger's average score for all items was 4.

The Board chose to focus its discussion on the areas where Tom scored a 3 (“satisfactory”) although they were only 7 of 30 items. These areas were: Keeping the citizenry informed; Providing quality analysis of policy issues and proposals; Timely and balanced budget submission; Efforts to maximize non-tax revenue opportunities; Ensuring effective controls and reports of Town financial activity; Creating an environment for long range and strategic planning; and Developing proposals for cost effective re-organization of Town administration.

In these areas, both Mr. Younger and the Board agreed that while some improvement has been made, additional progress is desired in FY 2007.

The Board members stated that they are very comfortable with Mr. Younger, have good communication with his office, and that he is a true professional.

The Board decided to wait until the non-union salary issues have been resolved before discussing Mr. Younger's compensation in an executive session, although he as a contractual employee is not part of that structure.

The Board moved to adjourn at 10:52 PM.

Thomas G. Younger
Town Administrator